



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT**

Application Number: 3015966
Applicant Name: Chris Davidson for Mill Creek Residential Trust, LLC
Address of Proposal: 1427 11th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a six story, 136 unit residential building with 6,335 sq. ft. of retail at ground level in an environmentally critical area. Parking for 128 vehicles will be located below grade. Existing parking lot with 64 spaces to be demolished.

The following Master Use Permit components are required:

Design Review Departures (Seattle Municipal Code 23.41)

Development Standard Departure to allow no sight triangles at the driveway.
(SMC 23.54.030.G.1)

SEPA-Environmental Determination (Seattle Municipal Code 25.05)

SEPA DETERMINATION:

Mitigated Determination of Non-significance

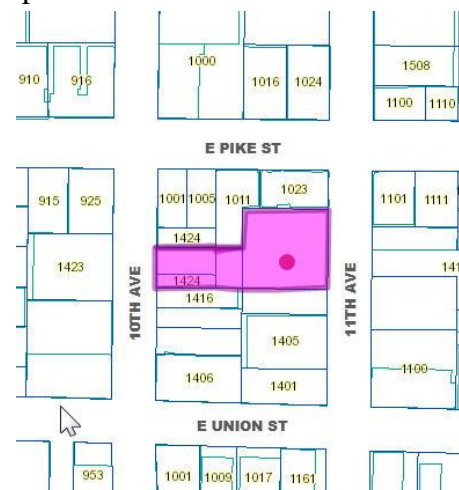
- ☒ No mitigating conditions of approval are imposed.
☐ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

Site:

Site Zone: NC3P-65

Nearby Zones: (North) NC3P-65
(South) NC3P-65
(East) NC3P-65
(West) NC3P-65

Lot Area: 23,040 square feet



Current Development:

The site is located in the Capitol Hill neighborhood near the eastern edge of the Pike Pine Overlay and a Pedestrian overlay. The site slopes downward slightly from the east to the west, with lower topography in the middle of the site.

The site is currently occupied by surface parking lots, accessed from 10th Ave and 11th Ave. No other structures are located on the site.

Surrounding Development and Neighborhood Character:

Adjacent structures include early 20th century mixed-use buildings to the north, and a mixed-use residential and commercial building under construction to the south.

The site is located in the Pike Pine Overlay District, which includes additional regulations for structures older than 75 years old (Character Structures). Many of these structures exhibit the character of the early 20th century auto row building type, with tall floor to ceiling heights, large windows, and spaces that are conducive to restaurant and retail uses.

The immediate area is within several land use, cultural, and civic districts: The First Hill/Capitol Hill Urban Center; the Pike/Pine Urban Center Village; and the Pike/Pine Conservation Overlay District and Conservation Core. The immediate vicinity includes a variety of uses and ages of buildings. Several sites are under construction. Many of the nearby sites that have been recently constructed or are currently under construction incorporate character structures into the new development.

The site is located mid-block between E. Pike St and E. Union St, with frontage on both 10th Ave and 11th Ave. 10th Ave and 11th Ave are subject to a recently adopted green street concept plan. The intent of the plan includes strengthening pedestrian corridors between Cal Anderson Park 2 blocks to the north and Seattle University campus 2 blocks to the south.

Cal Anderson Park offers a wide variety of recreational opportunities. The future Capitol Hill Light Rail Station is under construction and will be located approximately three blocks north of the subject property, near the northwest corner of Cal Anderson Park.

I. ANALYSIS - DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: January 29, 2014

The packet includes materials presented at the meeting, and is available online by entering the project number (3015966) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The packet is also available to view in the file, by contacting the Public Resource Center at DPD:

Mailing Public Resource Center

Address: 700 Fifth Ave., Suite 2000

P.O. Box 34019

Seattle, WA 98124-4019

Email: PRC@seattle.gov

The applicant provided supplemental graphics, including some preliminary design sketches. The proposed design concept of warehouse/loft/modern would likely include larger windows, simplified regular bays that express the warehouse architectural context, dark gray brick colors to provide a modern expression with a reference the historic storefronts, and scalar references to older context. The applicant explained that part of the design intent is to use warmer pedestrian scale materials (such as engineered wood) to emphasize the residential entry bay on 11th Ave.

The applicant acknowledged that the proposed street level will be designed to be consistent with the 10th and 11th Ave green street. The rooftop decks and gardens and the courtyards will be developed with individual landscape character in response to differing conditions. The intent is to locate the rooftop decks near the center of the building to minimize noise impacts to nearby buildings. The applicant clarified that the south courtyard will not be physically connected to the Alliance project courtyard to the south.

In response to Board questions, the applicant noted that the leasing office will be adjacent to the lobby, but the intent isn't to occupy usable storefront area with leasing office space. The applicant also clarified that the north façade of the western building would be set back 6' in order to allow glazing on that façade.

The proposed parking may include a mix of public and private parking. The solid waste storage will be inside the garage. Bike storage may be in the parking garage, in the amenity space level, or perhaps with the upper level units.

PUBLIC COMMENT

The following comments, issues and concerns were raised during public comment:

- Several comments listed concern that the proposed design respond to the existing adjacent business entry (Hothouse). This entry is below grade from the sidewalk and adjacent to the northeast corner of the property. The proposal should be designed for safety for the proposed residents and the existing adjacent business patrons.
 - The proposed massing appears to completely cover the business frontage (approximately the eastern 50' of the shared property line).
 - Concerned about noise impacts to patrons and the needs of this type of business (massage, spa).
 - The business would like to discuss the proposed design with the applicant team.
- Support for the proposed warehouse style, the glazing, and the brick.
- The open spaces will be in shadow most of the time and will function more as light wells than courtyards, especially on the north.
- The proposed development should be designed to respond to the 11th Ave streetscape plan and the Alliance project. 11th Ave will end up in shadow from these two developments. The 11th Ave side of this proposed development should be massed to provide more light at the street level.
- Support for constructing to the maximum height and density, rather than leaving holes between developments. The street level setback on 11th Ave should only be at the residential entry. The storefronts should not be set back.
- This proposed site may end up preserving the adjacent Pike St buildings from development.

- The proposal should represent a unified design concept, rather than including gratuitous modulation that doesn't relate to the concept.
- The proposed design should complement the Hothouse, which functions as a successful unique business in an unusual retail space in the neighborhood.
- The Capitol Hill Eco District is being formed. The applicant should consider how to respond to those goals through shared parking, bike parking, etc.
- The sidewalk design should be simple and clear for ease of use.
- The upper level apartments of the Winston building to the north often result in trash thrown from above, which might be an issue for a north facing courtyard at grade.
- Support for the proposed development, from the development to the south (Alliance project). The two development teams are working together on the design of the proposed south wall.
- Would like to see a mid-block connection across the block.
- Support for the proposed driveway entrance, the retail connection to the courtyards, and the proposed engineered wood materials.
- DPD Staff summarized comments received including support for the proposed project (small parcel size, response to context), and concern about how the proposal will respond to the adjacent below grade business and entry.

FINAL RECOMMENDATION MEETING: July 23, 2014

The packet includes materials presented at the meeting, and is available online by entering the project number (3015966) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

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The applicant provided modified Recommendation packets at the meeting, noting some changes to materials (dark vinyl windows in the areas of wood siding at the upper levels), and additional images for clarification of the proposed design.

The applicant noted that the overall design intent is for a cohesively expressed form, similar to warehouse buildings in the neighborhood. The proposed material palette included board form concrete at the base, engineered wood siding with dark bronze windows at the upper levels, and metal siding with beige vinyl windows at the upper levels. Transparent storefront windows, combined with transparent windows at the rear of the 11th Avenue retail spaces, will provide views from 11th Avenue through to the courtyard.

Continuous overhead weather protection was shown on both frontages, with Juliet balconies at the upper levels. The applicant explained that the Juliet balconies would be set into the wood siding areas, to enhance the design concept and avoid the appearance of balconies dominating the street facing facades. The wood siding was shown as extending from the street level to the sixth floor. The applicant clarified that the board formed concrete would be in 12" high bands

and located below the areas of metal siding. The metal siding is anticipated as horizontally oriented, with a 14" high profile.

The west street frontage included an open pedestrian passageway with a glazed wall and gate at the sidewalk. The applicant explained that this area would provide pedestrian access to the adjacent building to the north and to the proposed development.

The applicant noted that conversations with the adjacent business (The Hothouse) have resulted in a design between the proposed development and the adjacent building to the north. The design includes festival (catenary) lighting, light fixtures to wash the north wall of the proposed building near street level, Hothouse signage at the street frontage on the northeast corner of the proposed development, a sliding gate at the street frontage, planters at the facade of the 11th Ave retail space, and glazing at the upper level of the north facade of the retail space on 11th Avenue (to soften the wall but maximize privacy for the adjacent business).

The street level landscape plan showed minimal landscaping at the 11th Ave facade in response to neighborhood feedback for more pedestrian surfaces. The applicant noted that fewer trees than normally proposed are shown on both street frontages due to large areas of utilities located in the public right of way. Sandblasted paving with integral color paving areas and benches were shown on both street frontages. The applicant clarified that the development to the south currently under construction includes a courtyard south of the proposed development's south courtyard. The adjacent courtyard to the south is located approximately 8' below the proposed development's south courtyard. Trees and a living wall are proposed between the proposed development's south courtyard and the adjacent courtyards to the south.

The courtyards and rooftop deck were shown with a variety of landscaped areas, fiber optic light features, outdoor TV screens, festival lighting, a water feature, roof decks, and a dog run.

PUBLIC COMMENT

The following comments, issues and concerns were raised during public comment:

- The adjacent business owner (Hothouse) noted that they had agreed to an option that showed an extension of the 11th Avenue overhead canopy to cover the entrance to their walkway at the sidewalk, a sliding gate that can be locked in off hours, and festival lighting instead of wall wash fixtures at the north facade.
- The Recommendation images should have included sections showing the relationship of the north facade to the adjacent building to the north (Winston).
- Related to Design Guidelines A-2 and A-5, the street level retail windows should be larger, with more glazing and less siding at the street frontage. The trees and the canopy at the 11th Ave east-facing facade will result in a dark pedestrian experience. The window size should be increased to maximize natural and night time lighting;
- Related to Design Guideline C-4, the color palette should include lighter brighter colors and accent colors, similar to other nearby buildings.
- The three trees proposed on 11th Ave are not sufficient given the 11th Avenue Streetscape plan. The proposed paving areas and shrubs aren't a sufficient response to the intent and context of the Streetscape plan.
- The street level facades should be treated to prevent graffiti.

- The proposed development should be required to align with the same setbacks as were required for the development to the south, at the street level and the upper levels.
- The blank walls should be modified at the southeast and southwest corners, facing the adjacent patios to the south (the commenter acknowledged the revised images shown at the Recommendation meeting appear to propose this change).
- Supported the proposed development.
- Fair-faced concrete should be used at the base instead of board-formed concrete, to better contrast with the upper level wood siding.
- The upper level windows should be dark colored fiberglass or aluminum to better relate to the loft concept.
- Metal siding should be used above the top floor of windows on the 10th and 11th Ave facades, rather than the proposed wood siding (the commenter acknowledged the revised images shown at the Recommendation meeting appear to propose this change).
- Vents should have been shown in the drawings, and should be carefully integrated into the building design.
- The 10th and 11th Avenues should be more richly landscaped, given the street concept plan for those Avenues.
- The north façade should be designed to maximize safety for the adjacent Hothouse entry.
- If restaurant uses are proposed, then the 11th Ave façade should include operable storefront windows to relate to the sidewalk cafes and activate the street frontage.
- The north elevation should include more transparency to provide passive surveillance of the Hothouse entry as a defensible space.
- Darker color window mullions should be used to emphasize the warehouse window forms.
- DPD summarized other comments that were received in advance of the Design Recommendation meeting:
 - The adjacent businesses on Pike Street will lose the area currently used for solid waste staging.
 - The existing surface parking lot on the site provides parking for nearby employees (although DPD clarified that parking demand and impacts are outside the purview of the Design Review Board).

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

EARLY DESIGN GUIDANCE (JANUARY 29, 2014):

1. **Massing Options.** The Board supported Option 3, with modifications to the north edge, and direction to respond to adjacent context. (A-5, B-1, B-2)
 - a. The Board recognized that due to the dimensions, locations, and adjacent development, the courtyards will serve more as light wells than as usable courtyard spaces. The open spaces should be located to minimize impacts to neighbors, rather than try to gain sunny spaces at grade. (A-5, A-7)
 - b. The Board was disappointed that the EDG packet lacked sufficient information to demonstrate how the proposal relates to the adjacent context. The Board noted that

- they preliminarily support option 3, but more context information typically shown at EDG will be required at the Recommendation meeting. (A-2, B-2, B-5, C-1, E-1)
2. **Response to Adjacent Context.** The adjacent business to the north is idiosyncratic in the neighborhood, and there may be others adjacent to the site. The design should be developed in response to these conditions. (A-1, A-2, A-5)
 - a. Massing changes, treatment of the façade, or other methods are needed to provide a safe and secure response for the Hothouse entrance. (A-5, D-7)
 - 1) Possibly set back the parking garage levels from the north property line, in order to enhance clear sight lines adjacent to the below grade business entry to the north. (A-5, D-2, D-5)
 - 2) The Board noted that proposed Commercial space 1 seems to present a blank wall and unsafe conditions at the north edge. Setbacks, glazing, and lighting should be incorporated on the north façade of this commercial space. (A-5, B-1, D-2, D-10, D-11)
 - 3) The building massing should be designed to minimize impacts to the adjacent building, rather than create wider courtyard areas. Additional setbacks at the northeast corner may be better than a wider setback courtyard in the center of the site. (A-2, A-5, B-1)
 3. **Design Concept.** The “straightforward” design concept should be clearly expressed. (C-2)
 - a. Consistent with the design concept, the proposal should include minor massing moves, minimal cornice lines, and other methods to emphasize the simple design concept. (C-2, C-4)
 - b. Explore designing the project amenities to enhance the streetscape and emphasize the design concept. For instance, glazing both the street façade and courtyard façade of the retail spaces could provide a visual connection between the interior courtyards and the streetscape. Setting back the north façade to create a safe well-lit entry for the adjacent business to the north could achieve the same visual connection to the courtyard. (A-1, C-2, E-2)
 - c. Explore referencing adjacent datum lines for the adjacent developments. (B-2, C-3, C-4)
 - d. The Board offered preliminary support for the proposed material palette (dark gray brick, engineered wood, large glazed areas). (C-4)
 4. **Street Level Uses.** The leasing office should be replaced with active commercial use. The leasing office should be located interior to the lobby. (A-3, A-4)

FINAL RECOMMENDATIONS (JULY 23, 2014):

1. **Design Concept.** The Board noted that the modern concept and design expression should be emphasized, and recommended a condition to modify the materials and modulation on the 11th Ave façade to achieve comparable proportions to the 10th Ave façade. (B-2, C-2, C-4)
 - a. The Board noted that the 10th Ave façade proportions work well because the horizontally oriented materials are used in narrower building bays and the bays are an interesting proportion. The 11th Avenue façade is much longer, with wider stretches of horizontally oriented materials. (C-2)
 - b. The Board noted several possible design solutions, and acknowledged that combinations of other design solutions could meet the recommended condition (C-2, C-4):
 - 1) Shift the wood clad inset bay on 11th Avenue north by one window bay, creating asymmetry in the bay widths and façade proportions;

- 2) Incorporate the same 10th Avenue abrupt transition between windows and material changes on the 11th Ave façade;
 - 3) Include larger windows where possible;
 - 4) Vertically orient the metal panel profile; and
 - 5) Vertically align the upper level and street level windows on 11th Avenue.
2. **Materiality and Colors.** The Board recommended conditions to modify the materials and colors to better express the design concept. (C-2, C-4)
- a. The metal siding should be of a sufficient gauge to avoid oil canning, and should be sufficiently detailed to express finished corners and soffit. (C-4)
 - b. The materials or alignment of materials should be expressed to visually tie the building base to the upper levels, similar to the continuity of engineered wood siding from top to base. (C-2, C-4)
 - c. The upper windows in all the upper levels should be a darker color vinyl such as bronze, or the vinyl windows should be changed to aluminum or fiberglass. The Board noted that the darker color window frames and mullions will help to give more depth and scale to the upper level facades. (B-1, C-2)
 - d. The Board observed that the materials seemed somewhat dark and neutral. The Board noted that additional accent colors could accentuate the building, but the Board declined to recommend a condition to modify the overall color scheme. (C-2)
3. **10th and 11th Avenue Streetscape.** The Board acknowledged potential constraints with utilities but recommended a condition to add pedestrian amenities and landscaping where possible at the 11th Ave street frontage, consistent with the Street Concept plan. (A-2, C-1)
4. **Response to Adjacent Business.** The Board recommended a condition to provide a security gate at the entrance from the sidewalk to the Hothouse entrance, and the applicant should continue to work with the Hothouse on an acceptable design solution regarding canopy and lighting. (A-2, A-5)
5. **Pedestrian Scale Street Level Signage.** The Board recommended a condition to relocate the 11th Ave building identification signage from above the awning to below the awning and modify the signage to relate to the pedestrian scale and context. (B-2)

DESIGN REVIEW GUIDELINES

The Neighborhood specific guidelines are summarized below. For the full text please visit the [Design Review website](#).

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities.

Pike/Pine: Characteristics and opportunities to consider in Pike/Pine include both views and other neighborhood features including:

- *A change in street grid alignment causing unique, irregular-shaped lots, including Union and Madison and 10th and Broadway Court*
- *“Bow tie” intersections at 13th/14th between Pike/Pine/Madison*

- A-2 **Streetscape Compatibility.** The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.
- A-3 **Entrances Visible from the Street.** Entries should be clearly identifiable and visible from the street.
- A-4 **Human Activity.** New development should be sited and designed to encourage human activity on the street.
- A-5 **Respect for Adjacent Sites.** Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.
- B-1 **Height, Bulk, and Scale Compatibility.** Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential on the adjacent zones.

B-2 Pike/Pine: Neighborhood Scale and Proportion

New buildings should, in general, appear similar in height, mass, and scale to other buildings to maintain the area's visual integrity and unique character. Although current zoning permits structures to exceed the prevailing height and width of existing buildings in the area, structures that introduce increased heights, width and scale should be designed so their perceived scale is compatible with the existing neighborhood character. The following guidelines address scale and proportion for new structures.

- a. Design the structure to be compatible in scale and form with surrounding structures.*
- b. Relate the scale and proportions of architectural features and elements to existing structures on the block face to maintain block face rhythm and continuity.*
- c. Address conditions of wide or long structures.*
- d. For structures that exceed the prevailing height, reduce the appearance of bulk on upper stories to maintain the established block face rhythm.*
- e. Design the first floor façade to encourage a small-scale, pedestrian-oriented character.*

B-5. Through-Block Development

- a. Avoid monolithic development on through lots.*
- b. On blocks bounded by designated principal pedestrian streets, take advantage of opportunities to include through-block connections.*
- c. Capitalize on opportunities to provide utility functions in through-block development.*

C-1 Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

Pike/Pine: The Pike/Pine vernacular architecture is characterized by the historic auto-row and warehouse industrial features of high ground floor ceilings and display windows, detailed cornice and frieze work, and trim detailing. Architectural styles and materials that reflect the light-industrial history of the neighborhood are encouraged.

C-2 Architectural Concept and Consistency.

- Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.
- Buildings should exhibit form and features identifying the functions within the building.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

Pike/Pine: In order to achieve good human scale, the existing neighborhood context encourages building entrances in proportion with neighboring storefront developments.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Pike/Pine: New developments should respond to the neighborhood's light-industrial vernacular through type and arrangement of exterior building materials. Preferred materials include: brick, masonry, textured or patterned concrete, true stucco (DryVit is discouraged) with wood and metal as secondary, or accent materials.

C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

D-5 Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

Pike/Pine: Incorporate vertical landscaping (trellises) or artwork as screens where feasible.

Parking structures should provide commercial or other pedestrian-oriented uses at street level.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Pike/Pine: Lighting installed for pedestrians should be hooded or directed to pathways leading towards buildings.

- D-10 Commercial Lighting.** Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.
- D-11 Commercial Transparency.** Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.
- E-2 Landscaping to Enhance the Building and/or Site.** Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

Pike/Pine: The creation of small gardens and art within the street right-of-way is encouraged to activate and enliven the public realm. Vertical landscaping, trellises or window boxes for plants is also desirable. Please see the Design Guidelines document for specific streets along which such treatment is emphasized.

DEVELOPMENT STANDARD DEPARTURE

The Board's recommendations on the requested departure are based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure.

- 1. Sight Triangle (SMC 23.54.030.G.1):** The Code requires sight triangles on either side of a driveway that measures 22' wide. The applicant proposes alternative methods such as convex mirrors and signal lights to provide safe visual connections between pedestrians and drivers. The applicant noted that audible alarms are not proposed.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-8 and C-5 by minimizing the visual appearance of the garage at the 10th Avenue frontage.

The Board unanimously recommended that DPD grant the departure.

RECOMMENDATION

The recommendation summarized below was based on the design review packet dated July 23, 2014, and the materials shown and verbally described by the applicant at the July 23, 2014 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, four of the five Design Review Board members recommended **APPROVAL** of the subject design and departure, with the following conditions:

1. Modify the materials and modulation on the 11th Ave façade to achieve comparable proportions to the 10th Ave façade. (B-2, C-2, C-4)
2. The metal siding should be of a sufficient gauge to avoid oil canning, and should be sufficiently detailed to express finished corners and soffit. (C-4)
3. The materials or alignment of materials should be expressed to visually tie the building base to the upper levels, similar to the continuity of engineered wood siding from top to base. (C-2, C-4)
4. The upper windows in all the upper levels should be a darker color vinyl such as bronze, or the vinyl windows should be changed to aluminum or fiberglass. The Board noted that the

darker color window frames and mullions will help to give more depth and scale to the upper level facades. (B-1, C-2)

5. Add pedestrian amenities and landscaping where possible at the 11th Ave street frontage, consistent with the Street Concept plan. (A-2, C-1)
6. Provide a security gate at the entrance from the sidewalk to the Hothouse entrance, and the applicant should continue to work with the Hothouse on an acceptable design solution regarding canopy and lighting. (A-2, A-5)
7. Relocate the 11th Ave building identification signage from above the awning to below the awning and modify the signage to relate to the pedestrian scale and context. (B-2)

Applicant response to Recommended Design Review Conditions:

1. The 11th Ave façade was modified as shown in the MUP plan sets. The proposal satisfies recommended condition #1.
2. The applicant has clarified the minimum gauge of the metal siding in the MUP plan sets. The proposal satisfies recommended condition #2.
3. The alignment of windows and siding has been modified as shown in the MUP plan sets, and a detail showing the transition between materials has been clarified in the MUP plan sets. The proposal satisfies recommended condition #3.
4. The upper windows on all upper levels have been clarified as dark colored vinyl. The proposal satisfies recommended condition #4.
5. The 11th Ave street frontage has been modified to add a landscape strip near the northeast corner of the site and bike racks, as shown in the MUP plan set. The proposal satisfies recommended condition #5.
6. The applicant and adjacent Hothouse business have agreed to a design for the Hothouse entry adjacent to the northeast corner of the proposed development, as shown in the MUP plan set. The proposal satisfies recommended condition #6.
7. The 11th Ave building signage has been modified to be located above the entry awning. The proposal satisfies recommended condition #7.

DECISION – DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this document.

II. SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 20, 2014. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file, and pertinent comments which may have been received regarding this proposed action have been considered.

As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for many short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Washington State Department of Ecology regulations require mitigation of significant environmental contamination impacts, consistent with Model Toxics Control Act requirements. Additional discussion of short and long term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

Public Comment:

The public comment period ended on April 16, 2014. Comments were received in response to the proposal.

Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Environmental Health

The applicant submitted studies regarding existing contamination on site (“Phase I Environmental Site Assessment, Pit Lot Property, Parcels 0075, 0076, and 007,” for Mr. Michael Oaksmith of Hunters Capital, dated December 17, 2012 by The Riley Group; “Preliminary Phase II Subsurface Investigation, Pit Lot Property 1424 10th Ave, Seattle Washington, RGI Project

No. 2012-544A,” dated December 11, 2012, by The Riley Group; and a letter to DPD from Environmental Partners Inc., dated September 19, 2014, explaining the Remedial Action Work Plan and compliance with Model Toxics Control Act requirements).

If not properly handled, existing contamination could have an adverse impact on environmental health.

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology (“Ecology”), consistent with the City’s SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency’s regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology’s jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

As indicated in the SEPA checklist, the Phase I and Phase II reports, and the letter outlining the Remedial Action Work Plan, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

If the recommendations described in the Remedial Action Work Plan are followed, then it is not anticipated that the characterization, removal, treatment, transportation or disposal of any such materials will result in a significant adverse impact to the environment. This conclusion is supported by the expert environmental consultants for the project, whose conclusions are also set forth in the materials in the MUP file for this project.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The Remedial Action Work Plan describes strategies to ensure adherence with MTCA provisions and indicates compliance with Washington State Department of Ecology regulatory authority. These strategies are expected to adequately mitigate the adverse environmental impacts from the proposed development. Therefore, no further mitigation is warranted for impacts to environmental health.

Construction Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment. Properties located to the north, east, and south of the site include residential units and will be impacted by construction noise. The Pike Pine area of Capitol Hill is experiencing prolonged periods of construction noise from successive and numerous development activities in the immediate vicinity of the site. The combined impacts, duration of construction noise in this area, and amount of noise-generating grading and construction activity warrant additional mitigation to reduce the impacts of construction noise on nearby residents.

To mitigate construction noise impacts pursuant to SMC 25.05.675.B (Construction Impacts Policy), the applicant submitted a Construction Management Plan with a noise mitigation element, which has been reviewed and approved by DPD. No further mitigation is warranted for construction noise impacts.

Construction Parking and Traffic

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

The site is located adjacent to the E. Pike St arterial and near several other arterials and side streets that are often congested, especially at peak travel hours. Construction vehicles and workers traveling to the site can further exacerbate existing traffic congestion and parking demand.

To mitigate construction parking impacts pursuant to SMC 25.05.675.B (Construction Impacts Policy), the applicant submitted a Construction Management Plan which has been reviewed and approved by DPD.

This plan demonstrated the location of the site, the peak number of construction workers on site during construction, the location of nearby parking lots that are identified for potential pay parking for construction workers, the number of stalls per parking lot identified, and a plan to reduce the number of construction workers driving to the site. The plan also includes a Construction Haul Route which has been approved by Seattle Department of Transportation.

No further mitigation is warranted for construction parking and traffic impacts.

Long Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, therefore, no further mitigation is warranted.

Height, Bulk & Scale

The project went through a Design Review process which addressed the issue of Height, Bulk & Scale; see the above Design Review Analysis for details of the process and design changes.

Pursuant to SEPA Policy 25.05.675.G.2.c: Height, Bulk and Scale, "the Citywide Design Guidelines (and any Council-approved, neighborhood Design Guidelines) are intended to mitigate the same adverse height, bulk and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review process is presumed to comply with the height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence

that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk and scale policies that have undergone design review shall comply with the design guidelines applicable to the project.”

Additional SEPA Mitigation of height, bulk and scale is not warranted.

Parking and Traffic

As part of the environmental checklist, the project submitted a Traffic Impact Analysis (11th Avenue Development Traffic Impact Analysis by Gibson Traffic Consultants, dated March 2014).

The Traffic Impact Analysis noted that the peak parking demand for this development is 71 vehicles. 126 off-street parking spaces are proposed in the below grade garage. This number of parking spaces accommodates all of the anticipated parking demand. SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of parking impacts in the Capitol Hill Urban Center. This site is located in that Urban Center.

The project will displace a 64-stall principle-use parking lot. This lot likely is used by shoppers, employees, and vendors of nearby commercial businesses and by local residents. The displaced parking demand is expected to relocate to other off-street parking facilities or to on-street spaces. The loss of parking may also result in a slight increase in the use of other travel modes, such as transit and bicycling. No significant adverse impact is expected to result from this loss of parking; therefore no mitigation for parking is warranted.

The Traffic Impact Analysis indicated that the project is expected to generate a net total of 797 daily vehicle trips, with 67 net new PM Peak Hour trips. The DPD Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted.

DETERMINATION OF NONSIGNIFICANCE

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Certificate of Occupancy

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).
2. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

3. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

SEPA - CONDITIONS OF APPROVAL

None.

Signature: (signature on file)
Shelley Bolser, AICP, LEED AP
Land Use Planning Supervisor
Department of Planning and Development

Date: November 6, 2014